

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**MANUEL GARZA and ELIZABETH
GARZA,
Plaintiffs,**

v.

**EMC MORTGAGE and JPMORGAN
CHASE BANK, N.A.,
Defendants.**

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Civil Action No. 3:11-CV-1919-M (BF)

ECF

RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

This action was referred to the United States Magistrate Judge for pretrial management. (Ord. Aug. 5, 2011.) Defendants timely removed this case from the 160th Judicial District Court, Dallas County, Texas on August 5, 2011 and filed their Original Answer on August 12, 2011. On August 18, 2011, Plaintiffs filed a Motion for Default Judgment, arguing that Defendants failed to timely file an answer. Pursuant to Federal Rule of Civil Procedure 81(c), Defendants, who had not answered prior to removal, had until seven days after filing the notice of removal, or August 12, 2011, to file an answer. Defendants complied with this rule. Therefore, Plaintiff's Motion for Default Judgment (doc. 8) should be DENIED.

SO RECOMMENDED, August 22, 2011.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE